

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 188, FOOD AND DRUGS ACT.

ADULTERATION OF CURRANTS.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 6 Barrels of Currants, a proceeding of libel under section 10 of the aforesaid act for seizure and condemnation of the said 6 barrels of currants, lately pending, and finally determined on November 11, 1909, in the Supreme Court of the District of Columbia by rendition of a decree of condemnation and forfeiture hereinafter fully set out.

On or about September 22, 1909, an inspector of the Department of Agriculture found in the possession of Michael Holzbeierlein, 1849 Seventh street NW., Washington, D. C., 6 barrels of currants labeled: "Perfectly Clean Currants, Royal Excelsior Brand," which were being manufactured and baked into food products and offered for sale in the District of Columbia. Samples taken by the inspector from a barrel which had not been previously opened were examined in the Bureau of Chemistry of the United States Department of Agriculture and found to be infested with worms and other animal matter and so contaminated by the presence of the said worms and other animal matter as to be unfit for human consumption. From the aforesaid examination it appeared that the product was adulterated within the meaning of section 7 of the act in that it consisted of a filthy, decomposed, and putrid vegetable substance unfit for human consumption.

Accordingly, on September 22, 1909, the Secretary of Agriculture notified the United States Attorney for the District of Columbia that the aforesaid 6 barrels of currants were then in the possession of the above Michael Holzbeierlein in the said District, for use in the manufacture of food products to be offered for sale as above stated, and that they were adulterated within the meaning of the act. On September 23, 1909, the United States Attorney filed a libel in the Supreme Court of the District of Columbia praying seizure, condemnation, and forfeiture of the said currants. The time for filing response and answer to said libel having expired and no response or

answer having been filed to said libel and the case having come on for final hearing, on November 11, 1909, the court rendered its decree of condemnation and forfeiture in substance and in form as follows:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, HOLDING A DISTRICT COURT.

UNITED STATES OF AMERICA, <i>Libellant</i> ,	}	District No. 847.
<i>vs.</i>		
SIX BARRELS, MORE OR LESS, OF CUR-		
rants.		

JUDGMENT OF CONDEMNATION.

Upon motion of the United States for judgment of condemnation in the above entitled cause, and it appearing to the Court that upon libel filed herein on the twenty-third day of September, A. D. 1909, the Marshal of the United States for the District of Columbia has seized six barrels of currants of the value of twelve dollars; and it further appearing that the said currants were found in the possession of Michael Holzbeierlein, and that said Michael Holzbeierlein was offering the currants for sale in the District of Columbia, and that a copy of the writ was duly served upon the said Michael Holzbeierlein by the United States Marshal, and a copy of the same duly affixed to the Court House door; and that the time for filing the response and answer to the libel herein has expired, and that no response or answer having been filed to said libel, and no objection being signified to the Court; and it further appearing that all of the said barrels of currants are infested with worms and other animal matter, and are so contaminated by the presence of the said worms and other animal matter that the said currants are unfit for human consumption;

It is by the Court this 11th day of November, 1909,

Adjudged, ordered and decreed: That the said six barrels of currants in the custody of the United States Marshal are adulterated within the meaning of the Act of Congress approved June 30, 1906.

It is further ordered: That the said currants be, and they are hereby, condemned, and they shall be destroyed by the said Marshal of the United States in such manner as is provided by the said Act of Congress approved June 30, 1906.

It is further ordered: That the said Michael Holzbeierlein pay all the costs of these proceedings.

By the Court:

WENDELL P. STAFFORD,
Justice.

In compliance with the terms of the aforesaid decree and section 10 of the Food and Drugs Act of June 30, 1906, the said 6 barrels of currants were destroyed.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 7, 1910.*